

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Labeed Nouri and Rouwaida Nouri,

Plaintiffs,

v.

Case No. 10-12436

TCF Bank, *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER
ADOPTING REPORT AND RECOMMENDATION AND
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

On June 22, 2010, Plaintiffs Labeed Nouri and Rouwaida Nouri filed this *pro se* action against Defendants.

In an Opinion & Order issued on March 9, 2011, this Court dismissed all claims asserted by Rouwaida Nouri and dismissed 15 of the 16 counts asserted by Labeen Nouri. The sole remaining count is Count X of Plaintiffs' Amended Complaint, which asserts a claim against Defendant TCF Bank under the federal Right to Financial Privacy Act, 12 U.S.C. §3400 *et seq.* ("RFPA").

Defendant TCF Bank filed a Motion for Summary Judgment as to the sole remaining count and this Court referred the motion to Magistrate Judge Mark Randon for a report and recommendation. On February 20, 2012, Magistrate Judge Mark Randon issued a Report and Recommendation ("R&R") wherein he recommends that the Court grant TCF Bank's Motion for Summary Judgment because the RFPA is not applicable in this case because TCF Bank did not disclose Plaintiff's financial records to a federal authority. (Docket Entry No. 87).

Plaintiff filed timely objections to the R&R on February 24, 2012. In objecting to the R&R, Plaintiff makes the same arguments he made in opposing TCF Bank's Motion for Summary Judgment.

Having reviewed those arguments, and having reviewed the R&R, the Court agrees with Magistrate Judge Randon's conclusion. Under a plain reading of the statute, the RFOIA only applies where the disclosure is made to a federal authority. *See, e.g.*, § 3401(3) (defining "Government authority" as any "agency or department of the United States, or any officer, employee, or agent thereof[.]"); *Ismail v. Old Kent & Trust Co.*, 893 F.2d 1334, 1990 WL 3492 (6th Cir. Jan. 19, 1990) ("The RFOIA restricts the ability of the federal government to obtain access to an individual's financial records.").

Accordingly, the Court hereby ADOPTS the February 10, 2012 R&R and ORDERS that Defendant TCF's Motion for Summary Judgment is GRANTED.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: March 5, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 5, 2012, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager